

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JASON ROBB,

Petitioner,

v.

TODD ISHEE, Warden,

Respondent.

Case No. 2:02-cv-535

JUDGE ALGENON L. MARBLEY

Magistrate Judge Norah McCann King

ORDER

Petitioner, a prisoner sentenced to death by the State of Ohio, has pending before this Court a habeas corpus action pursuant to 28 U.S.C. § 2254. This matter is before the Court *sua sponte* to add counsel in *Were v. Bobby*, 1:10-cv-698 (S.D. Ohio) (Watson, J.), as parties to be noticed regarding the discovery status conference scheduled for Thursday, March 15, 2012, at 2:00 p.m.

In *Hasan v. Ishee*, Case No. 1:03-CV-288 (S.D. Ohio), Judge Dlott on December 16, 2011, granted a joint request to consolidate that case with the instant case before this Court for purposes of discovery management. Hasan, like Petitioner herein, was sentenced to death in connection with aggravated murders committed during the April 1993 Lucasville prison riot and is challenging that judgment in habeas corpus. Due to the vast volume of documents and other materials generated in connection with the Lucasville riot prosecutions that the Ohio State Highway Patrol (“OSHP”) maintains in a Columbus, Ohio warehouse, the parties in *Hasan* requested consolidation with the instant case for ease in facilitating each petitioner’s respective discovery.

James Were, N.K.A. Namir Abdul Mateen, is similarly situated with Hasan and Petitioner herein. Although Were's case has not been consolidated with *Robb* for discovery management, the Court notes that on February 13, 2008, it issued an Order granting Were leave to intervene in *Robb* for the limited purpose of access to the discovery in *Robb*. For that reason, the Court is of the view that all counsel in *Were v. Bobby*, 1:10-cv-698, should participate in the March 15, 2012 discovery conference. That said, nothing from this order should be construed as granting Were leave to conduct any discovery. That decision belongs solely to Judge Watson as the presiding judge over Were's habeas corpus proceedings.

For the foregoing reasons, the Court **DIRECTS** the clerk to notice all counsel in *Were v. Bobby*, Case No. 1:10-cv-698, as to the discovery conference scheduled for Thursday, March 15, 2012, at 2:00 p.m. All counsel who can attend in person shall do so. Counsel who cannot attend in person shall participate by telephone. The parties are **DIRECTED** to contact the Undersigned by **Friday, March 2** to confirm the manner in which they will participate in the conference.

IT IS SO ORDERED.

s/Algenon L. Marbley
ALGENON L. MARBLEY
United States District Judge

Date: February 29, 2012